

Lisa Hay, OSB #98062
Assistant Federal Public Defender
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
(503) 326-2123 Telephone
(503) 326-5524 Facsimile
lisa_hay@[fd.org](mailto:lisa_hay@fd.org)

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RACHEL LEE,

Defendant

No. 3:14-cr-00184-JO-1

DEFENDANT'S
OPPOSITION TO CO-
DEFENDANT'S REQUEST
FOR SIX MONTH TRIAL
DELAY

AND REQUEST FOR
STATUS CONFERENCE

The defendant, Rachel Lee, through her attorney, Lisa Hay, opposes co-defendant Blancey Lee's request for a six month continuance of the trial, and hereby requests a telephone status conference at which a true trial date can be set. Although the other co-

defendants may agree on a lengthy delay of the trial, defendant Rachel Lee is the only defendant in custody. She has a right to a speedy trial, and a delay of six months is longer than necessary or reasonable. The delay would not serve the ends of justice.

Under the “ends of justice exception” under 18 U.S.C. § 3161(h)(7)(A), the Court can grant a continuance if the case is “so unusual or so complex” that it is unreasonable to expect adequate preparation within the 70 day time limit set by the statute. 18 U.S.C. § 3161(h)(7)(B)(ii). The ends of justice exception is to be sparingly applied, however. *United States v. Clymer*, 25 F.3d 824, 829 (9th Cir. 1994) (emphasizing that the ends of justice exclusion in § 3161 is “not to be routinely applied, and that it may not be invoked in such a way as to circumvent the time limitations set forth in the Act.”).

For these reasons the defense opposes the request now for a six month trial delay and requests a telephone status conference at which the government could describe any remaining discovery to be provided and a realistic trial date could be set. The current trial date is July 15, 2014.

Respectfully submitted on July 1, 2014.

/s/ Lisa Hay

Lisa Hay

Assistant Federal Public Defender